

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

Civil Action No. 3:17-cv-0011

LONNIE BILLARD,

Plaintiff,

v.

**CHARLOTTE CATHOLIC HIGH
SCHOOL, MECKLENBURG AREA
CATHOLIC SCHOOLS, and ROMAN
CATHOLIC DIOCESE OF CHARLOTTE,**

Defendants.

JOINT MOTION TO LIFT STAY AND PERMIT SUPPLEMENTAL BRIEFING

Plaintiff Lonnie Billard (“Plaintiff”) and Defendants Charlotte Catholic High School (“CCHS”), Mecklenburg Area Catholic Schools (“MACS”), and the Roman Catholic Diocese of Charlotte (“Diocese”)(collectively “Defendants”), by counsel, hereby respectfully request that the Court lift the stay entered in this case on November 14, 2017, *see* Dkt. Entry 39, and permit the parties to file supplemental briefing in support of their motions for summary judgment as set forth herein. In support of their Joint Motion, the parties state as follows:

1. The parties have filed cross-motions for summary judgment, *see* Dkt. Entries 26 & 29, along with memoranda of law in support of the motions for summary judgment, and responses and replies thereto.
2. On November 14, 2017, the Court entered a stay in this action pending the Supreme Court’s decision in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*,

citing that the decision will provide clarity and could influence a decision by this Court in this matter. *See* Dkt. Entry 39.

3. On June 4, 2018, the Supreme Court issued a decision in *Masterpiece*.

4. Accordingly, in light of the Supreme Court's decision in *Masterpiece*, the parties respectfully request that the stay in this matter be lifted.

5. The parties further request that the Court allow the parties to file supplemental briefing in support of their motions for summary judgment, addressing the impact of the Supreme Court's decision in *Masterpiece* on this case. The parties respectfully request that, should the Court grant this request, the parties' supplemental briefing be due 10 days after the Court rules on this Motion and be limited to 1,500 words.

6. The parties believe that supplemental briefing will aid the Court in assessing the influence of the *Masterpiece* decision on the issues of law in this case.

7. Therefore, based on the foregoing, the parties respectfully request that the Court enter an Order lifting the stay in this case and allowing the parties to submit supplemental briefing in support of their motions of summary judgment for the limited purpose of addressing the influence of the *Masterpiece* decision on this case.

8. This Motion is made in good faith and not for any purposes to delay the matter.

9. Pursuant to Fed. R. Civ. P. 26(c) and Local Rule 7.1(B), the parties have conferred regarding the relief requested herein.

10. A proposed order is attached hereto as **Exhibit A**.

Conclusion & Requested Relief

Based on the foregoing, Plaintiff and Defendants respectfully request that the Court lift the stay in this case and permit the parties up to 10 days after the Court rules on this Motion to file supplemental briefing not to exceed 1,500 words.

Certificate of Compliance

The undersigned counsel certify that the foregoing motion and memorandum does not exceed 4,500 words.

Respectfully submitted, this the 15th day of June 2018.

/s/ Joshua Block

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the court using the CM/ECF system, which will send electronic notice to counsel for Plaintiff at the addresses as follows:

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This the 15th day of June 2018.

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